

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEITH HOPKINS, C-65737, )  
Plaintiff(s), ) No. C 12-3719 CRB (PR)  
v. ) ORDER OF DISMISSAL  
M. CATE, et al., ) (Docket #39 & #41)  
Defendant(s). )

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Plaintiff has filed a request for “dismissal without prejudice” which the court construes as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1) and, pursuant thereto, the above-captioned matter is DISMISSED without prejudice. See American Soccer Co. v. Score First Enters., 187 F.3d 1108, 1110 (9th Cir. 1999) (plaintiff’s “absolute right” to dismiss his action voluntarily before the defendants serve an answer or a motion for summary judgment leaves no role for the court to play).

The clerk shall close the file and terminate all pending motions as moot.  
SO ORDERED.

DATED: July 29, 2013



CHARLES R. BREYER  
United States District Judge